

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicant basically:

1. Amends the Abstract in response to the invitation of enumerated paragraph 2 of the office action.
2. Editorially amends the specification.
3. Editorially amends all pending claims in non-narrowing fashion.
4. Provide two new sheets of drawings for new Fig. 5 and new Fig. 6 (see Remarks section E *infra*).
5. Amend the specification to refer to new Fig. 5 and new Fig. 6.
6. Respectfully traverses all rejections and objections (see Remarks sections B -E *infra*)

B. THE CLAIMS ARE ENABLED

Enumerated paragraph 7 of the office action alleges that the specification fails to provide an enabling disclosure for minimizing intercell interference. This rejection under 35 USC §112, first paragraph, is mooted by the amendments to the independent claims. As amended, the independent claims do not explicitly refer to “intercell interference”, but rather to “interference”. This amendment should not, however, be construed as an admission of the allegation. To the contrary, Applicants fervently assert that the specification does enable minimization of intercell interference. The very fact that the scheduler can manage plural cells according to the schemes described in the specification results in minimized intercell interference, as amply explained in the specification (see, e.g., page 15, lines 8 *et seq*). See also page 9, lines 25 *et seq*, wherein it is stated that “...intercell interference can be minimized if schedulers for different cells cooperate, e.g. exchange of power setting and UE position. This could also be seen as one scheduler handling several cells.”

C. THE CLAIMS ARE DEFINITE

With reference to enumerated paragraph 9 of the office action, without acceding to the position of the office action and without prejudice of disclaimer the claims have been amended to delete reference to “minimizing” and “may be”. The modifier “first” has been added before “antenna system” at certain junctures in claims 1, 5, 6, 8, 10, 11, 14, 18, 19, 21, and 23. Similarly, the modifier “first” has been added before “cell” at certain junctures in claims 3 and 17.

Applicant further notes that dependent claims 16 – 18 are apparatus claims, such that the method/process allegations at the bottom of page 5 of the office action appear appropriate.

D. THE CLAIMS ARE STATUTORY

Applicant again notes that dependent claims 16 – 18 are apparatus claims, such that the non-statutory allegations of enumerated paragraph 11 of the office action appear appropriate.

E. THE NEW DRAWINGS

As invited by enumerated paragraph 4 of the office action, Provide two new sheets of drawings for new Fig. 5 and new Fig. 6 (see Remarks section E *infra*). Fig. 5 includes acts which are essentially those listed in the original disclosure of independent claim 1; Fig. 6 includes acts which are essentially those listed in the original disclosure of claim 2. Consistent with the new Sheets, the Brief Description of the Drawings on page 12 of the specification has been augmented by amendment to refer to new Fig. 5 and new Fig. 6. Further,

§

F. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly requested.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: /H. Warren Burnam, Jr./
H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsh
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100